

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 05-CV-73504-DT

vs.

DISTRICT JUDGE ARTHUR J. TARNOW

KENNETH J. GRAHAM,
KYLE E. DRESBACH,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants,

and

COMERICA BANK,
THYSSENKRUPP MATERIALS, NA
INCORPORATED PENSION PLAN,

Garnishee.

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**ORDER DENYING PLAINTIFF'S MOTION TO PROHIBIT TRANSFER
TO BRITT MARIE GRAHAM**

Before the Court is Plaintiff's Motion to Prohibit Transfer to Britt Marie Graham. Britt Marie Graham filed a Motion to Intervene in this garnishment proceeding, claiming that she had a financial interest in her husband's pension plan retirement benefit. Plaintiff United States and the Garnishee Defendants opposed the motion, arguing that Mrs. Graham had no legal right to the pension plan retirement benefit.

In the instant motion, Plaintiff argues that even if Mrs. Graham were found to have a legal interest in the pension plan retirement benefits and were allowed to intervene, the Court should still prohibit the transfer of the benefits to her as a fraudulent transfer. Counsel for Plaintiff noted that the instant motion would be moot if the Court were to deny Mrs. Graham's Motion to Intervene, since no transfer would occur. The Court denied Britt Marie Graham's Motion to Intervene on July 10, 2006. Accordingly, Plaintiff's Motion to Prohibit Transfer is now **DENIED** as moot.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 08, 2006

s/ Mona K. Majzoub
MONA K. MAJZOUN
UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: August 08, 2006

s/ Lisa C. Bartlett
Courtroom Deputy